United Nations S/PV.3537

Security Council

Fiftieth Year

Provisional

3537th Meeting

Wednesday, 17 May 1995, 5.35 p.m.

New York

President:	Mr. Mérimée	(France)
Members:	Argentina	Mr. Cárdenas
	Botswana	Mr. Legwaila
	China	Mr. Wang Xuexian
	Czech Republic	Mr. Kovanda
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wisnumurti
	Italy	Mr. Fulci
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mrs. Albright

Agenda

The situation in Croatia

95-85483 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 5.35 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Croatia

The President (*interpretation from French*): I should like to inform the Council that I have received a letter from the representative of Croatia in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Nobilo (Croatia), took a place at the Council table.

The President (*interpretation from French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

The members of the Council have before them document S/1995/363, which contains the text of a draft resolution submitted by France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to draw the attention of the members of the Council to the following amendments to the text of the draft resolution published in its provisional form as document S/1995/395: in the fourth line of the second preambular paragraph, the correct date is "7 May 1995" and not "8 May 1995"; furthermore, operative paragraph 3 should read as follows:

> "3. Stresses the need for the early reestablishment of the authority of UNCRO in accordance with its mandate;"

I would also point out that the original languages of the draft resolution were English, French and Russian.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/363, letter dated 8 May 1995 from the Permanent Representative of Croatia to the United Nations addressed to the President of the Security Council, and S/1995/383, letter dated 10 May 1995 from the chargé d'affaires *ad interim* of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council.

The members of the Council have received photocopies of a letter dated 17 May 1995 from the Permanent Representative of Croatia to the United Nations addressed to the President of the Security Council, which will be issued as document S/1995/397.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/1995/395) before it, as orally revised in its provisional form. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: (*interpretation from French*): There were 15 votes in favour. The draft resolution, as orally revised in its provisional form, has been adopted unanimously as resolution 994 (1995).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Fulci (Italy): Italy welcomes the adoption of today's resolution on Croatia, which it joined in sponsoring and in the drafting of which it participated. In our opinion, the Security Council had the duty to take this initiative to deal with a situation that we continue to consider unsatisfactory and dangerous. While we can understand the frustration of the Croatian Government and people over the lack of progress in the political process of peaceful reintegration of the sectors that were known as United Nations Protected Areas, we cannot justify a military offensive that is in clear violation of the Cease-Fire Agreement of 29 March 1994 and that

seriously risks hindering implementation of the Economic Agreement of 2 December last.

Nor can we justify the fact that the Council's requests contained in the presidential statements of 1 May 1995 (S/PRST/1995/23) and 4 May 1995 (S/PRST/1995/26) have not yet been fully met.

Furthermore, we are extremely concerned over the attitude adopted by the parties, in particular the Croatian forces, towards the forces of the United Nations Confidence Restoration Operation in Croatia (UNCRO) stationed in the zones of separation. These are unacceptable incidents of harassment and intimidation that must be condemned with the utmost firmness. We express our full solidarity with the Blue Helmets, who have found themselves in a difficult and dangerous situation. Above all, I wish to request my colleagues from Argentina and the Czech Republic to convey the feelings of understanding and solidarity of the Government and the people of Italy to their Governments and peoples.

The Croatian Government has given repeated assurances at the highest level that it would completely withdraw its forces from the zones of separation in Sectors East, North and South. While noting that the withdrawal has actually begun, especially in Sectors East and South, we must, unfortunately, point out that this precise commitment has so far not been honoured completely. According to the Secretariat's latest reports, contingents of Croatian and Serbian forces continue to face each other in the zone of separation of Sector North in particular. We consider the speedy withdrawal of those forces to be of paramount importance to ease tensions and prevent the risk of incidents that could trigger new chain reactions of violence.

As for Sector West, we believe it is essential that full respect for the rights of the Serbian population be assured in conformity with internationally recognized standards. To this end, we feel that the UNCRO presence in that territory can play a role of fundamental importance. We therefore ask the Croatian Government to the greatest possible freedom of movement and monitoring capacity for United Nations personnel.

Today's Security Council resolution can and must encourage the Croatian parties to speed up their complete and unconditional withdrawal from the zones of separation in order to allow the complete and immediate deployment of UNCRO and the full implementation of its mandate as outlined in resolutions 981 (1995) and 990 (1995).

Nevertheless, today's resolution is not merely an attempt to remedy a situation created on the ground by the recent Croatian offensive: it also sets its sights on the future. In this regard, I wish to emphasize the importance of paragraph 10, which contains a firm warning to the parties, demanding that they refrain from taking any further military initiatives that could lead to a new escalation of the conflict. If it is determined that they have not, the Council, in our opinion, should not hesitate to consider further measures to ensure compliance with this demand.

I wish to reaffirm our strong view that for the Croatian question, as for the Bosnian, there can be no military solution. Only political dialogue between the parties can lead to a satisfactory solution to the problem of Croatian territories inhabited by the Serbian community. The words "confrontation", "victory", "conquest" and "re-conquest" must be replaced by words such as "dialogue", "negotiation" and "compromise"; only thus will we see an end to this very long crisis.

A political solution, of course, must respect the principle, reaffirmed by the Security Council on several occasions, of the sovereignty and territorial integrity of the Republic of Croatia, and the principle of the need to come to agreements on suitable formulas for autonomy that allow the Serbian people full enjoyment of their rights.

Sir David Hannay (United Kingdom): Two months ago this Council adopted resolutions 981 (1995) and 982 (1995), which addressed, among other issues, the situation in Croatia. On that occasion I expressed my Government's satisfaction with the signs of progress in building confidence between the Government of Croatia and the Serb communities in Croatia. Stability had been achieved in what had been a very tense and volatile situation. The Economic Agreement was being implemented, step by step, by both parties. I also stressed the importance that we attached to the role of the new force, the United Nations Confidence Restoration Operation in Croatia (UNCRO), in securing that peace and promoting the start of talks on a political settlement. I acknowledge that progress had not been as great as the Croatian Government had a right to expect, but the prospects were encouraging.

Events since then have given my Government cause for very grave concern. Much of that earlier progress has now been placed in jeopardy by recourse to military action, and in the process the lives of United Nations

peace-keepers were put at risk. The resolution we have just adopted, of which my country was a co-sponsor, condemns in the strongest possible terms any actions, by whichever party, directed against United Nations personnel, and we demand that status of UNCRO and the safety of its personnel be respected without exception.

The United Nations, with support of my Government, is willing to help both parties resume the process of reconciliation and cooperation. We warmly commend the efforts of Mr. Akashi to prevent any further escalation. It is welcome that there has been real progress towards the withdrawal of troops from the zones of separation in the various United Nations sectors, but it is essential that this withdrawal be completed forthwith. Otherwise, there is little chance of getting the political process back on track, and only when withdrawal has been completed will UNCRO be able to redeploy so as to begin its task of implementing the mandate the Council established two months ago.

It is also essential that the United Nations and other international bodies be given full access to Western Slavonia so as to lay to rest the concerns that have been expressed about human rights. The report from the Secretary-General, expected within the next two weeks, on the implementation of this resolution will be an important one. The Security Council will need to consider at that stage how best to ensure full deployment of UNCRO in accordance with its mandate.

My Government is very conscious of the understandable frustration in Zagreb at the slow pace of progress towards a political settlement. We have made clear on numerous occasions our full support for the sovereignty and territorial integrity of Croatia and our view that this must be the basis of any political settlement. The local Serb authorities cannot evade their responsibility in this respect. But there are no short-cuts towards this goal: securing reconciliation requires commitment and patience on both sides. A negotiated settlement is the only way to achieve a lasting peace.

Mr. Kovanda (Czech Republic): The Czech Republic has been consistently concerned over developments in countries of the southern Slavs, and perhaps most of all in Croatia, for it is precisely there that a Czech mechanized battalion has been active for several years as part of the United Nations Protection Force (UNPROFOR), which is now being transformed into the United Nations Confidence Restoration Operation in Croatia (UNCRO). We have been aware of the long-standing differences between UNPROFOR and the Croatian authorities which eventually led those authorities to give notice to the United Nations peace-keeping Force. This difficult issue eventually got resolved, to what appeared to be everybody's satisfaction, with the authorization of UNCRO in resolution 981 (1995) and the provisions of its mandate in resolution 990 (1995).

One of the reasons for the intensive international effort to keep peace-keepers in Croatia was that there was indeed a peace to keep, certainly since the March 1994 cease-fire agreement. It was a difficult peace with very slow progress towards national reconciliation; nevertheless, progress there was, and the Economic Agreement of December 1994 was one of its most important manifestations. The alternative to a United Nations presence, many felt, was an all-out war.

All the more surprising, therefore, was the Croatian Government offensive against Sector West some two weeks ago, and even this apparently limited military move may have been only a part of a broader pattern, for in other sectors too Croatian Government forces penetrated the zones of separation and appeared to be digging in for the long term. This move, among others, exposed our peace-keepers to hostile fire and thus endangered them in an absolutely unacceptable fashion.

Our resolution today focuses on securing the complete withdrawal of Croatian Government forces from the zones of separation with no further procrastination whilst acknowledging the extent of the withdrawal effected to date. It further calls for strict observance of the human rights of Croatian Serbs in Western Slavonia. It also pays due attention to the Economic Agreement, and especially to safety and security along the crucial Zagreb-Belgrade highway. All these points should drive home one message: Zagreb should inextricably associate itself with the logic of peace. Military adventures might be tempting, but they will certainly not be condoned by the Council.

This resolution reacts mostly to actions of the Croatian Government and its forces. The Croatian Serb party, however, has not lagged behind in taking control of adjacent parts of the zones of separation. The resolution has not forgotten this fact, and, therefore, paragraph 2 demands a complete withdrawal of both parties and paragraph 10 demands that both parties refrain from taking further military actions. The Council will be very carefully following developments from now on.

Mrs. Albright (United States of America): This resolution appropriately focuses on the future — on the Council's expectations of the Government of Croatia and the local Serb authorities. It acknowledges that the Government of Croatia has taken important steps in the signing of a status-of-forces agreement and in withdrawing a notable portion of its troops from the zones of separation. We understand that completion of this withdrawal is at hand. The Serb forces for their part must withdraw and must not occupy positions from which Croatian Government forces have withdrawn.

We look forward to these and other actions by the parties that will enable the United Nations Confidence Restoration Operation in Croatia (UNCRO) to carry out its mandate in full and that will create the conditions for a resumption of progress towards the political resolution of this conflict that was inexcusably interrupted by recent actions of both parties.

We continue to believe that the only viable solution to the conflict in the Republic of Croatia is a negotiated settlement that will lead to the peaceful reintegration of the other three sectors into Croatia. That process will be immeasurably helped by Croatian Government actions that will show the Croatian Serbs that they have nothing to fear from reintegration.

We hope that, in the months ahead, the Croat and Serb communities in Western Slavonia will re-establish the bonds of friendship and mutual respect that existed before the conflict began.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The delegation of the Russian Federation considers the resolution just adopted an important step by the Security Council in response to the extremely dangerous and alarming situation that has obtained in Croatia for some two and a half weeks now. Like the other members of the Council, we forcefully condemn Zagreb's military action in Sector West and the incursion by Croatian forces into the zones of separation in the other sectors.

The aggressive actions by the Government forces throw down the gauntlet to the Security Council and the United Nations operation it established. It has threatened the process of restoring confidence, flagrantly violated the cease-fire agreement of 29 March 1994 and scotched the implementation of the Economic Agreement. United Nations personnel have been put in extreme danger. There have been gross violations of human rights, and the mass exodus of the Serbian population from Western Slavonia and the uncertain situation of the people who are still there forcibly remind us of the concept of "ethnic cleansing".

The statements by the President of the Security Council on 1 and 4 May were an important factor in normalizing the situation in Croatia. However, the demands set forth in those statements were simply ignored for a long time; indeed they have not yet been fully carried out. This forced us to consider the real need to adopt a Security Council resolution that would demonstrate that the Council did not intend to go along with crude violations of its decisions and that attempts to test the Council's determination in regard to its decisions had no chance of succeeding.

The process of the preparation of the draft resolution in the Contact Group and then in the Security Council had a specific influence in itself on the Government of Croatia. The withdrawal of Croatian forces from the zones of separation has begun. However, although we have heard many promises, that withdrawal has not been completed.

Our assumption is that the resolution we have just adopted will send a clear signal that the time for promises has passed and action is now needed. As we understand it, the adoption of the resolution will lead to a full restoration of the mandate of UNCRO, as already defined in previous Security Council resolutions. It will lead also to a full withdrawal of the forces of all sides from the zones of separation and will ensure the presence of United Nations personnel there. Furthermore, it will lead to the appropriate implementation of the cease-fire agreement and the Economic Agreement.

In the resolution, the Security Council

> "demands that the Government of Croatia respect fully the rights of the Serb population including their freedom of movement and allow access to this population by international humanitarian organizations, in accordance with internationally recognized standards". (*resolution 994 (1995), para. 6)*

We expect that the Secretary-General will be able to carry out effectively the request in the resolution to prepare a report on the humanitarian situation of the Serb population in Sector West.

We must admit that we would have preferred the resolution to contain a clearer assessment of the situation that has arisen as a result of the Croatian attacks. Unfortunately, the resolution does not reflect such an important problem as the failure to observe the military embargo against Croatia, which made it possible for such a dangerous situation to arise.

Recent events have further confirmed the urgent need for the Security Council, its sanction Committee, the appropriate regional structures, and all States, primarily those bordering former Yugoslavia, to take the necessary measures to ensure an unconditional implementation of the ban established by resolution 713 (1991).

The resolution the Security Council has just adopted does not in any way conclude its consideration of Croatia. The demands set forth in the presidential statements of 1 and 4 May have not yet been carried out in all their aspects. Therefore, the Council intends to keep this matter under consideration — and this includes the situation with regard to the resolution it has just adopted.

In this connection, it is very important that under operative paragraph 10 of the resolution the Council

> "Demands that the parties refrain from taking any further military measures or actions ... and warns that in the event of failure to comply with this demand it will consider further steps needed to ensure such compliance." *(resolution 994 (1995), para. 10)*

We expect that the parties addressed in that paragraph will draw the necessary conclusion.

In two weeks the Secretary-General will report to the Security Council on the implementation of this resolution, and after that we shall consider whether additional steps are needed to bring about the full normalization of the situation. This is especially timely because some of the most recent statements made by the Government of Croatia to the effect that there are other means besides political means to settle the conflict give us cause for serious concern. We think the resolution just adopted by the Council makes it obvious that, in spite of such statements, the Council clearly maintains that there is no alternative to a political settlement.

Mr. Graf zu Rantzau (Germany): Today's debate on the situation in Croatia reflects once again the sad fact that, despite sustained efforts by the international community, the search for an overall negotiated settlement of the conflicts in the former Yugoslavia has not yielded the desired results. In Croatia, a political solution for those areas of the Republic of Croatia currently under Serb control has yet to be found. Instead, tensions and conflict prevail.

My Government has consistently assured the Government of Croatia of German support in its search for a negotiated solution to the conflict. My Government, at the same time, has consistently made it clear to the Government of Croatia that we are convinced that there is no military solution to the conflict.

Chancellor Kohl reaffirmed this view to President Tudjman when President Tudjman visited Bonn two days ago: the military offensive launched by the forces of the Government of Croatia in Western Slavonia on 1 May was a clear violation of the cease-fire agreement of 29 March 1994. The Chancellor told President Tudjman that the Croatian forces in the zones of separation should be withdrawn. President Tudjman assured the Chancellor that the forces would be withdrawn by the afternoon of 16 May.

Today we acknowledge with some satisfaction that, according to reports of the United Nations, there have apparently been substantial withdrawal movements of Croatian forces in Sectors East, South and North. At the same time, we note with regret that, despite the assurances given by the Croatian side, the withdrawal has not yet been fully concluded.

We are concerned, too, by recent reports that military units of the Croatian Serbs continue to be active in the zones of separation. The demand by the Croatian Government that it must be certain that Croatian Serb forces withdraw from the zones of separation in a parallel manner and that they do not occupy the positions vacated by Croatian forces is, in our view, obviously justified. We demand that UNCRO continue to monitor the situation closely.

Continued activities of Croatian Serb forces in the zones of separation would involve the risk of further confrontation, which is not acceptable.

Let me stress again four points which, in our view, are of particular importance. First, there must be no further military measures or actions by any side that could lead to escalation. Secondly, the freedom of movement and safety and security of UNCRO must be fully respected. Thirdly, all detainees must be released as

soon as possible. Fourthly, the local Serb population must be treated with full respect for their human rights, in conformity with internationally recognized standards.

Let me repeat what we and others have said on many occasions: that to overcome the recent crisis in Croatia it is urgent that the parties turn away from the logic of confrontation and instead return to the negotiating table. This may be difficult, yet, in our view, there is no other way. We believe, and we continue to say, that the three-phase process of negotiations — cease-fire, implementation of the economic agreement and political negotiations — is the only practicable path to durable peace.

The President (*interpretation from French*): I shall now make a statement in my capacity as representative of France.

In its presidential statements of 1 and 4 May, our Council demanded in the clearest terms that an end be put to the armed incursions in the zones of separation in Croatia.

We note that, in spite of the commitments announced in this respect by the Croatian authorities, concrete withdrawal operations on the ground have been partial and delayed. The latest indications point today to a significant overall movement, which we welcome. Nonetheless, in some zones progress has yet to be confirmed.

That is why my delegation voted in favour of resolution 994 (1995), which demands that a total withdrawal be completed without further delay. This demand is also addressed to the Croatian Serb forces which are still in the zones of separation. The situation cannot truly be stabilized unless both parties respect the buffer zones.

In addition, my delegation wishes to recall the importance of full respect for human rights, which in this context constitutes an essential element in restoring confidence between the parties. We also remind the parties that they must ensure the security and freedom of movement of United Nations personnel.

Lastly, my delegation trusts that the United Nations Confidence Restoration Operation in Croatia can, as our resolution stresses it should, be deployed rapidly, and that it will fulfil the mandate conferred upon it by our Council in its resolution 981 (1995).

I now resume my functions as President of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 6.10 p.m.

United Nations S/PV.3538

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Agenda

The situation in the occupied Arab territories

Letter dated 8 May 1995 from the representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366)

Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)

95-85489 (E)

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The meeting was called to order at 6.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories

Letter dated 8 May 1995 from the Representatives of Morocco and the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/1995/366)

Letter dated 8 May 1995 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/1995/367)

At the invitation of the President, and in accordance with the decisions taken at the 3536th meeting, Mr. Yaacobi (Israel) took a place at the Council table; Mr. Lamamra (Algeria), Mr. Butler (Australia), Mr. Rahman (Bangladesh), Mr. Fowler (Canada), Mr. Rodriguez Parrilla (Cuba), Mr. Olhaye (Djibouti), Mr. Elaraby (Egypt), Mr. Khoshroo (Islamic Republic of Iran), Mr. Hamdoon (Iraq), Mr. Kawai (Japan), Mr. Abu Odeh (Jordan), Mr. Abulhasan (Kuwait), Mr. Moubarak (Lebanon), Mr. Azwai (Libyan Arab Jamahiriya), Mr. Razali (Malaysia), Mr. Ould Ely (Mauritania), Mr. Snoussi (Morocco), Mr. Kamal (Pakistan), Mr. Al-Ni'mah (Qatar), Mr. Allagany (Saudi Arabia), Mr. Yassin (Sudan), Mr. Hallak (Syrian Arab Republic), Mr. Abdellah (Tunisia), Mr. Batu (Turkey) and Mr. Al-Suwaidi (United Arab Emirates) took the places reserved for them at the side of the Council Chamber; Mr. Al-Kidwa (Palestine) took a place at the Council table; and the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian people took a place at the side of the Council Chamber.

The President (*interpretation from French*): The Security Council will now continue its consideration of the item on the agenda.

Members of the Council have before them document S/1995/394, which contains the text of a draft resolution submitted by Botswana, Honduras, Indonesia, Nigeria, Oman and Rwanda.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Al-Khussaiby (Oman): My delegation, in its statement delivered before the Council on 12 May 1995 during the general discussion concerning the issue under consideration, has already illustrated very clearly that the goal of the draft resolution before us, which was subsequently submitted by my delegation in its capacity as the Coordinator of the Security Council's Non-Aligned Movement caucus for this month, is not meant to complicate this issue, but rather to safeguard the peace process itself.

The Arab and Islamic States and the non-aligned countries, in the context of their tremendous efforts and their great concern over the peace process and of their endeavour to avoid the recurrence of a state of cold war in the Middle East, have introduced the draft resolution before the Council now. The non-aligned caucus members have shown great flexibility and cooperation towards and with the views and proposals presented by other Council member States in their effort to ensure that the Council deals with this matter in such a manner as to strengthen the ongoing peace process in the Middle East. The non-aligned countries have also exerted concerted efforts to maintain the unified position and the support of the Council members on this issue, and have made every possible effort to realize their goal.

The draft resolution before the Council is the fruit of the efforts made and extensive consultations conducted by the non-aligned group to eliminate the impediment to the peace process resulting from the recent Israeli expropriation orders. We believe that the Council's adoption of this draft resolution, which demands the nullification of the Israeli Government's orders for the confiscation of 53 hectares of Arab land in East Jerusalem, accords with the Council's responsibility in this regard, with the United Nations Charter and with the relevant Security Council resolutions. Furthermore, the adoption of this draft resolution will give a positive impetus to the ongoing peace process which is desperately needed at the present time.

In its capacity as the principal international organ entrusted with maintaining international peace and

security, the Security Council's inability to take action in this respect, despite the calls of the more than 40 nations that participated in the general debate, will raise doubts about the credibility and the international legitimacy of the relevant resolutions and cast a shadow over future negotiations in the peace process in the region.

Allow me to take this opportunity to extend my gratitude to the members of the non-aligned caucus for their constructive attitude and for their assistance to my delegation in conducting consultations at various levels. In my capacity as the Coordinator of the non-aligned caucus for this month, I would also like to pay a special tribute to you, Mr. President, to your hardworking delegation, to all the members of the Council and to other countries that have demonstrated their understanding and full cooperation, and look forward to the adoption of this draft resolution by the Council.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The Russian delegation played an active part in the discussion in the Security Council on the issue of the confiscation of Palestinian lands in East Jerusalem, and closely followed the process of achieving agreement on the draft resolution submitted by the Non-Aligned Movement group of countries.

In so doing, we took as our premise that the question of Jerusalem, as is provided for in the Declaration of Principles, must be the subject of future negotiations on the final status of the Palestinian territories. Until then, any action to alter the status quo in Jerusalem cannot be considered otherwise than as contravening the spirit of the Palestinian-Israeli agreements and the peace process as a whole, a process of which the Russian Federation is a co-sponsor.

Our position basically coincided with the approach of all the other Council members, and this being the case, we believed that the best possible course would be to achieve a consensus reaction to Israel's actions — for example, in the form of a statement by the President. Unfortunately, that has not proved possible.

However, we note with satisfaction that, during the discussions on the draft resolution, its sponsors took into account most of the amendments and proposals suggested and thereby made it more balanced and purposeful. In its present form, the draft resolution expresses first and foremost, heightened concern over the Israeli action, which violates Security Council resolutions and the Declaration of Principles, reaffirms that this action is null and void and calls upon Israel to rescind it. We fully concur with those provisions and will support the draft resolution.

The Russian delegation expresses the hope that the Israeli authorities will find it possible, at this crucial and extremely sensitive stage of the negotiating process in the Middle East, to reconsider their attitude towards the confiscation of Palestinian land in East Jerusalem. This would help keep up the momentum of the peace process, ensure that it continues to move forward and would help towards the establishment of genuine peace and good-neighbourliness between Arabs and Israelis.

Mr. Gambari (Nigeria): My delegation believes that, on the Israeli-Palestinian question, there is no real alternative to a peaceful and negotiated settlement. Hence, my Government has always supported every effort made to achieve this objective, including the Declaration of Principles on Interim Self-Government Arrangements between Israel and the Palestine Liberation Organization.

Nigeria has been encouraged by the progress made so far by the parties to implement the various aspects of the Declaration of Principles. In this context, we recall the Gaza-Jericho Agreement of May 1994 and the Agreement on Preparatory Transfer of Powers and Responsibilities of August 1994, both of which have made it possible to establish the Palestinian Authority. We believe that further specific measures must be taken not only to preserve these gains but also to implement fully the remaining aspects of the peace process.

My delegation has been under no illusion that the search for peace in the Middle East would be entirely hitch-free. We have always known that there would be bumps on the road to achieving a just and desirable peace in the region. None the less, we hope that the parties will not allow hope to fade in the region and our expectation remains that the parties concerned should persevere and continue to demonstrate the good faith and commitment required to achieve a negotiated settlement. To this end, the role of the international community is to be as supportive as possible and the way it can best do so is, in our opinion, by being an impartial umpire.

It is in this connection that my delegation viewed with concern the recent settlement activities of one of the parties, which violate both the letter and the spirit of relevant Security Council resolutions and the Fourth Geneva Convention of 1949, and could very well jeopardize the peace process. In particular, we very much

regret the recent decision of the Government of Israel to expropriate 53.5 hectares of land in East Jerusalem, an act which — apart from undermining confidence between the parties — also pre-empts the future discussions envisaged for the final stage of negotiations on the status of Jerusalem. We are of course not oblivious of Israel's legitimate security concerns, but we cannot see how land confiscations can constitute an appropriate response to those concerns.

The draft resolution before the Council represents a factual, non-judgemental but forthright response of the international community to the worrying developments resulting from the land expropriation in East Jerusalem. The primary objective of the resolution is not to condemn, but to encourage Israel to put an end to what appears to be a trend which, if not checked, could reverse the gains already achieved in the peace process.

What is more, my delegation is convinced that the consequences of inaction by the Security Council would undermine the authority of the Council itself and could damage the credibility of the United Nations as the ultimate defender of the rights of all States, including the strong, and especially the weak.

My delegation will therefore vote in favour of the draft resolution.

Mr. Wisnumurti (Indonesia): The Indonesian delegation has made its positions very clear concerning the issue of settlements in the Arab territories occupied by Israel since 1967, the most recent being the position it expressed during the formal open debate last Friday. That being the case, my delegation will not take up too much of the Council's time by expressing its already well-known positions.

Nevertheless, we would simply like to reiterate that the recent Israeli expropriation order concerning 53 hectares of land in East Jerusalem is not only in violation of relevant United Nations resolutions and of international law, but also poses a serious threat to the Middle East peace process as a whole, as it contravenes the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization. It is our considered view that any expropriations of Arab lands undertaken by Israel are null and void, and we therefore call upon Israel to immediately rescind these activities, be they in East Jerusalem or other occupied territories, which are in violation of the Fourth Geneva Convention of 1949.

In our view, there cannot be a successful conclusion of the Middle East peace process without a resolution of the question of Jerusalem. We believe that its status must be discussed in the context of the peace process and of a comprehensive settlement in the region. Any confidence-destroying measures, such as the present illegal policy of the Government of Israel, must immediately be discontinued.

It is therefore evident that the international community cannot remain passive *vis-à-vis* these measures taken by Israel, which will continue to imperil the peace process. In this context, it is indispensable for the Security Council to reverse this situation by taking appropriate measures without delay. Failure to do so is bound to send the wrong message to Israel. The international community must take the necessary and appropriate steps to ensure that agreements reached in the Middle East peace process are fully implemented and ensure the progression of its positive achievements. Ultimately, only by working together through confidence-building measures, and not through confidence-destroying measures, such as the expropriation of Arab lands, is it possible to achieve a comprehensive and durable settlement to the Israeli-Palestinian conflict and peace in the Middle East.

In the light of these considerations, my delegation commends to the Council the draft resolution that we sponsored together with the other non-aligned countries that are members of the Council.

Mr. Graf zu Rantzau (Germany): My Government regrets that it was not possible to solve the question before us today through direct negotiations between the two parties concerned.

As to the substance of this dispute, the position of my country is fully reflected in the statement made by the Representative of France, speaking on behalf of the European Union, during the Council's debate last Friday, 12 May 1995, and in the declaration of the European Union Presidency of 15 May 1995.

My delegation is able to vote in favour of the draft resolution before us because the sponsors were willing to amend the text by taking fully into account my Government's concerns and those of our European partners.

It is our hope that after the Council's discussion of this issue the parties will in the future deal with and settle

this problem through direct negotiations, and that unilateral acts can he avoided henceforth.

We welcome the statement made by the Government of Israel on 14 May 1995 that it has no intention to carry out additional expropriations of land in Jerusalem for housing purposes, and we expect that controversies which are harmful to the continuation of the peace process, such as the one we are dealing with today, can be avoided in the future.

Mr. Legwaila (Botswana): The delegation of Botswana has already stated its position concerning Israel's decision to expropriate land in East Jerusalem. I shall therefore limit my remarks to the draft resolution before the Council.

The draft resolution is a statement of facts. It makes no value judgements. It does not deplore the action nor condemn the offending party. There are no threats, ultimatums or measures aimed at modifying or changing the behaviour of the offending party. It deals directly and incisively with the issue which is of concern to it, namely, the expropriation of land in East Jerusalem. It is important that the position of the Council on a matter that is so vital to the Middle East peace process be made loud and clear, without engaging in violent polemics.

The draft resolution fully supports the peace process in the Middle East. Paragraphs 3 and 4 deal specifically with this issue. The fourth, fifth and sixth preambular paragraphs are devoted to this matter. Let there be no impression, therefore, that by its action the Council is in any shape or form harming the peace process. The action which is inimical to the peace process is the Israeli decision to expropriate land in East Jerusalem. It is our sincere hope that Israel will heed the collective will of the international community and rescind the expropriation orders.

Mr. Fulci (Italy): Together with the other European Union countries present on the Council, Italy has proposed some amendments to the original text of the draft resolution in order to achieve a more balanced resolution that we think will not hinder, but rather, stimulate progress in the peace process in the Middle East, one of the most important *acquis* which must absolutely be preserved.

The amendments proposed by the European countries were incorporated into the text, and Italy therefore will vote in favour of the draft resolution.

In this respect, I should like to reiterate the principles emphasized in the statement made by the Representative of France on behalf of the European Union during the formal meeting of the Security Council last Friday — in particular, that the expropriation of land in East Jerusalem is contrary to the spirit of the Declaration of Principles as well as to international law and the relevant resolutions of the Security Council. We sincerely hope, therefore, that the orders will be rescinded. In our opinion, the spirit of the Declaration of Principles with regard to Jerusalem is to keep the city in its present state until the end of the negotiations. Italy hopes that the intention of the Israeli Government not to carry out any additional expropriation of land in Jerusalem for housing purposes will be equally and concretely pursued as a real step on the road to significant progress in the peace process, which the European Union is following with the utmost attention and supporting with substantial financial resources.

We should also like to appeal to the Palestinians to continue in their ongoing commitment to peace, also taking into account the results of the Security Council's formal meeting on this issue that ended yesterday. Indeed, the international community has made clear yet one more time its willingness to support the peace process along the lines of the Declaration of Principles, in the interests of the Israeli and the Palestinian peoples, of stability in the Middle East region, and of peace in the world.

Mr. Kovanda (Czech Republic): The position of my country on the current situation in Jerusalem was expressed through you, Mr. President, when you delivered the statement of the European Union during the Council's recent meeting on this agenda item. Today I shall add just one or two remarks.

Whatever the motivations for doing so, and whatever its purpose, we find the expropriation of land in East Jerusalem to be ill-timed, unwise and, indeed, in violation of relevant Security Council resolutions. We do, however, take note of the decision by the Israeli Government of 14 May 1995 according to which it has no intention of carrying out additional expropriations of land in East Jerusalem for housing purposes, and we would have preferred this decision to be reflected in the draft resolution.

On the other hand, one wonders, since the Israeli Government has no expropriative intentions for the

future, how indispensable it was to expropriate land last month.

The Declaration of Principles envisages a discussion of issues affecting Jerusalem to take place in a little more distant future. Also, it envisages resolving issues such as this one between the parties themselves. We are sorry that this did not happen; of course, this does not stop the Security Council from dealing with a matter that violates the spirit if not, perhaps, the letter of the Declaration, and it is therefore quite proper to debate the issue here and to vote on the draft resolution.

In conclusion, I wish to reiterate my country's wholehearted support for the Middle East peace process. We are looking forward to the speedy implementation of the Declaration, in its entirety.

The President (*interpretation from French*): I now put to the vote the draft resolution contained in document S/1995/394.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland

Against: United States of America

The President (*interpretation from French*): There were 14 votes in favour and 1 against. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Security Council.

I shall now call on those members of the Council who wish to make statements following the voting.

Mrs. Albright (United States of America): It has been five years since my Government has felt compelled to vote against a resolution under consideration by this Council. I have cast this veto today — reluctantly, but without hesitation — on an issue of principle for the United States. The principle is this: the only path to achieve a just, lasting and comprehensive peace in the Middle East is direct talks between the parties. My Government was compelled to oppose this resolution because the Council sought to declare itself on a permanent-status issue — Jerusalem — and thus violated this principle. These issues must be resolved by the parties, with the support of the international community, but without its interference.

The United States has consulted at length with other Council members on the issues raised by this resolution. But a consensus was, unfortunately, not possible because others were not prepared to adhere to the negotiating process which we believe is central to continued progress towards peace in the Middle East. This council is not able — and should not seek — to try to resolve sensitive issues in the Middle East peace process: that is for the parties, who must live with the outcome of these negotiations.

Let us be clear. At this point, progress towards peace in the Middle East depends not on what the United Nations does, but on what the parties agree to. The heartening progress that has been made during the past two years is the result of decisions made by the parties, in recognition of the urgent desire of their own peoples to begin a new chapter in the history of their troubled region. That progress has occurred despite the resistance of terrorists and rejectionists, and notwithstanding still deep sensitivities about issues upon which final agreement has not yet been reached.

The Declaration of Principles, signed on 13 September 1993 by the Palestine Liberation Organization and the Government of Israel, lists several issues, including Jerusalem, as permanent-status issues to be covered by the parties at a later time specified in the Declaration. That agreement reflects the pragmatic view of the parties that there is a logical sequence for dealing with the issues which would involve covering the most sensitive ones at a later stage of the negotiations.

This Council, the General Assembly and Member States separately have expressed strong support for the Middle East peace process and for the Declaration of Principles. It is necessary and appropriate that we continue to do so. However, passage of this resolution would have had the Council intrude upon the agreed political process set out in the Declaration of Principles. That could yield no positive result.

The commitment of Israel and the Palestine Liberation Organization to achieve peace and reconciliation has changed, dramatically, the face of the Middle East. Palestinians and Israelis now meet on a regular basis. Practical problems are being addressed. Fears and suspicions are being confronted. The parties are actively engaged in negotiations to implement the

second stage of the Declaration of Principles. Progress towards a wider regional peace agreement has been made. There is much at stake for all of us in the successful outcome of this process. But for the parties, the stakes include issues that no one but the parties can resolve.

Undoubtedly, events will occur that appear to represent setbacks in the path towards full agreement and reconciliation. Given the history and complexity of the issues, that is inevitable. But we must have the discipline to maintain our support for this process, despite the setbacks and despite differences of perspective on particular actions or events.

The United States has expressed the view that the Israeli notice to expropriate land in Jerusalem is unhelpful. Clearly, this Israeli decision does not move the peace process in the right direction. But by injecting the Council into this issue, this resolution would merely compound the problem. Instead, this Council should be encouraging the parties and not acting in a way that is detrimental to the process.

The international community has an important role to play in supporting the efforts of the parties to the Middle East process in their quest for reconciliation and what President Clinton has referred to as the quiet miracle of a normal life. The events of recent years indicate that the parties derive confidence from the willingness of governments around the world to encourage them in their efforts and to stand by them when incidents of destructive and violent resistance to those efforts have occurred. But to be effective, the support of the international community must also be discreet, maintaining a certain distance from the details of the negotiations. We may pull out the chairs for those at the bargaining table, but we do not belong at the table ourselves.

My Government's decision to vote against this resolution may have disappointed some, but it should not have surprised anyone. We have not voted against this resolution because we support Israel's decision on land expropriation: we do not. This vote is a result of our long-held and long-stated position regarding what we can and cannot support in this Council.

As I made clear in my statement on 18 March 1994 with respect to Security Council resolution 904 (1994), my Government will not agree to a resolution that prejudges or prejudices the outcome of negotiations over such a sensitive issue as Jerusalem. Nor will we agree to any Council action that oversteps the Council's appropriate role as supporter of the negotiations aimed at achieving a lasting settlement to the conflicts that have for so long plagued the Middle East.

My Government is aware of the importance of Jerusalem to many Governments, as was evident during this week's debate. Jerusalem is a special city. I urge other Governments that care deeply about Jerusalem to encourage the parties to move forward in the peace process so that they can begin discussion of permanent-status issues, including Jerusalem, next year.

In closing, let me appeal to each Government represented here, to States in the Middle East and to other interested Governments not to let this issue distract us from our shared commitment to assist the parties in their perilous, but still promising, journey towards peace.

Sir David Hannay (United Kingdom): My Government's position on the substance of the question of the Israeli expropriation of land in East Jerusalem was made clear in the statement I made on 12 May, which complemented the statement you yourself, Mr. President, made later that day on behalf of the members of the European Union. I would like to explain briefly why the United Kingdom has just voted in favour of the draft resolution before us.

In our view the draft resolution represents a calm but clear statement of the legal position. The cosponsors of the draft resolution accepted all the amendments proposed by the European Union members of the Council, and, as a result, the text avoids any reference to wider issues, apart from a clear declaration of support for the peace process.

We very much understand and sympathize with the attachment to Jerusalem of the Israeli people, which was expressed by the Permanent Representative of Israel during the debate. But we believe that the Government of Israel should recognize that others feel equally strongly about the city, and should refrain from taking actions which seek to change the status quo on this most sensitive of all issues before the conclusion of the final-status negotiations.

We very much regret that this issue has caused divisions in the Council. We do not believe this will be helpful to the peace process. That is why we worked hard to avoid that outcome. We welcome the fact that during the debate earlier this week all members of the Council expressed concern about the Israeli expropriation orders.

We believe this is an important message for the Israeli Government, and we hope it will consider its future actions carefully in the light of it. We note the intention of the Israeli Cabinet, expressed at its meeting on 14 May, not to carry out additional expropriations of land in Jerusalem for housing purposes.

Throughout the consultations which have taken place over the past few days, my delegation has had as its overriding objective the protection and the furtherance of the peace process. That is the priority. We look to all parties to continue, and to redouble, their efforts to make progress. The peoples of the region deserve no less.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): The Chinese delegation voted in favour of the draft resolution before the Council. The Chinese delegation would like to register its regret and disappointment at the result of the voting. It is fair to say that the requests contained in the draft resolution were reasonable and appropriate and that its language was moderate. If the draft resolution had been adopted, it would have contributed greatly to the peace process in the Middle East, not damaged it.

Although the draft resolution was not adopted today, the Government of Israel should understand that the fact that there were 14 votes in favour of the draft resolution forcefully demonstrates that its decision to confiscate land in East Jerusalem is wrong and cannot be accepted by the international community or the Security Council.

For the sake of the Middle East peace process and for the sake of the fundamental interests of the peoples of the Middle East, we once again appeal to the Government of Israel to rescind forthwith its wrong decision. We sincerely hope that the parties concerned will continue to promote the Middle East peace process.

The President (*interpretation from French*): I shall now make a statement in my capacity as the representative of France.

My delegation has already had the opportunity to express its views on the Israeli Government's decision to carry out expropriations in East Jerusalem. Along with all the other countries of the European Union, France recalls that these expropriations are contrary to international law and violate, in particular, provisions of the Geneva Conventions. Furthermore, these measures have been explicitly forbidden by several resolutions of the Security Council and disregard the spirit of the Declaration of Principles signed on 13 September 1993.

The parties to the peace process decided to reserve for future negotiations discussion of the most delicate matters, including Jerusalem and settlements. In no instance can this indicate that international law does not apply in the meantime. To the contrary, Jerusalem remains an occupied territory, and will remain so as long as the parties have not agreed on its final status. Until that day, which we hope will come as soon as possible, all international conventions and United Nations resolutions apply to the Holy City.

As the Government of Israel has not rescinded its decision, despite the many appeals from Arab Heads of State, the European Union and a large number of other States, the Security Council had to pronounce itself on the matter. To that end, the sponsors of the draft resolution on which the Council has just voted adopted reasonable, moderate wording, which my delegation welcomed all the more since it took account of all its comments and those of other European States.

My delegation regrets that it was not possible to adopt the draft resolution. It stated very precisely what the Israeli Government must agree to in order to avoid undermining the peace process by its decision to confiscate 53 hectares of land in East Jerusalem. We therefore appeal to the Tel Aviv authorities not to misconstrue what has just occurred, and to head the unanimous expression of concern by States Members of the United Nations. We hope they will agree without delay to go beyond the intention they announced last Sunday and rescind outright the implementation of the decision that has been challenged.

The devotion of Jews to Jerusalem is understandable and legitimate, as is that of Muslims and Christians. It is basic to the peace process that Governments should be careful about the political form they give to these historical and religious ties; otherwise, reconciliation will be impossible.

Finally, my delegation appeals to Arab authorities and populations to rise above the disappointment they may feel this evening and to continue to lay claim to their legitimate rights by peaceful means, foremost among them, and irreplaceable, the peace process. For its part, France will continue, along with its European partners, to support all who wish to work for Israeli-Arab reconciliation.

I now resume my functions as President of the Security Council.

As no further members of the Council wish to speak at this stage, we have now completed the voting process.

The representative of Morocco wishes to make a statement. I invite him to take a place at the Council table and to make his statement.

Mr. Snoussi (Morocco) (*interpretation from French*): I thank you warmly, Mr. President, for this opportunity to speak and thus to express my delegation's deep gratitude to the Council for its consideration of an issue to which my country, the Islamic world and the Arab world attach the utmost importance.

We welcome the laudable efforts of the non-aligned countries that are members of the Security Council, and we thank them very much for the role they have played and their co-sponsorship of the draft resolution that has just been voted upon. I particularly commend the Coordinator of the Caucus, Ambassador Salim Al-Khussaiby, Permanent Representative of the Sultanate of Oman, for his transparent activity, carried out in the framework of consultations with all the members of the Council and other concerned parties, to reach a consensus text.

Our thanks also go to the delegations that, in a spirit of good will and compromise, were good enough to vote in favour of the draft resolution, which has, unfortunately, been rejected. My delegation cannot but regret this outcome, because, rather than being understood in the way the representative of the United States suggested the other day, it is likely to send a negative signal.

The draft resolution was intended, with its simple flexibility, to be a step in the right direction. We will continue to have the same concern as the United States to safeguard peace. We therefore fervently hope that the Israeli Government will meet our expectations by reconsidering its decision to expropriate land and demonstrating a spirit of cooperation in order to calm nerves, dispel fears and give a new impetus to the peace process, which, as we all know, is now experiencing great difficulties. We hope the negotiations will be freed of all unnecessary obstacles to progress, one of which is expropriation.

We passionately hope that the Israeli Government will take this vote not as encouragement, but, rather, as a reason to reflect on the harmful consequences of such actions. We hope the Israeli authorities will realize how huge the stakes are and ask themselves if the peace that all of us have been striving so hard for — the Russians, the Americans, all the Arab States, indeed all the members of the Council — is to perish.

The President (*interpretation from French*): The representative of the United Arab Emirates was asked to speak. I invite him to take a place at the Council table and to make his statement.

Mr. Al-Suwaidi (United Arab Emirates) (*interpretation from Arabic*): I wish to thank you, Mr. President for your tremendous efforts in conducting the proceedings of the Council in the context of our consideration of the agenda item "The situation in the occupied Arab territories". On behalf of my delegation, I would also like to thank you sincerely for this opportunity to address the Council after the vote on the draft resolution.

I would also like to express deepest gratitude to the representatives of the countries of the Non-Aligned Movement that are members of the Security Council that cosponsored the draft resolution and, in particular, to the Permanent Representative of the Sultanate of Oman, Coordinator of the Non-Aligned Caucus of the Council for this month. His sincere and persistent efforts in all stages of the procedure relating to the draft resolution, right through its submission to the Council, are much appreciated. Nor can I fail to express our gratitude to the other members of the Council that voted in favour of the draft resolution.

The Council has met in urgent session to examine the grave actions of the Israeli Government in East Jerusalem aimed at expropriating 53 hectares of land in order to establish settlements. This runs counter to the Fourth Geneva Convention, of 1949, the norms of international law, the relevant resolutions of the Security Council and the General Assembly and the text of the Declaration of Principles signed by Israel and Palestine on 13 September 1993, which provides that the question of Jerusalem should be solved through negotiations on that city's final status. Those negotiations are set for May 1996, in accordance with Security Council resolutions 242 (2967) and 338 (1973).

Since the United Arab Emirates is currently presiding over the Council of the League of Arab States, allow me to express my profound regret that the draft resolution, submitted by the non-aligned caucus of the

Council was not adopted. It is also unfortunate that the United States voted against the draft resolution.

In spite of the many letters addressed to the Secretary-General and the President of the Security Council by His Excellency the Secretary-General of the League of Arab States, the Permanent Observer of Palestine to the United Nations and this month's Chairman of the Arab Group — on behalf of the Arab States and the Chairman of the Organization of the Islamic Conference — in which they all ask the Council to take immediate action to put an end to Israeli violations in East Jerusalem, and ask that Israel make a commitment to honouring the Declaration of Principles until the final status of Jerusalem is negotiated in May 1996, and in spite of the urgent meeting held on 6 May 1995 by the League of Arab States, from which a letter was sent to the Secretary-General and to the President of the Security Council — in spite of all these Arab and Islamic appeals to the Security Council, the draft resolution submitted to the Council by the non-aligned caucus was not adopted.

The Security Council has just heard the statements by the members of the Council both before and after the voting, all of which confirmed the special position of Al-Quds Al-Sharif in the international community. I believe the Council is today fully aware of the negative consequences of not adopting the draft resolution, not only in the Arab and Islamic world, but all the world over. Of course, by not adopting the draft resolution, the Council clearly shows disdain for the claims of the Arab and Islamic States. None the less, I ask the Council yet again to continue to demand that Israel rescind its decision to expropriate Palestinian and Arab lands in East Jerusalem.

The President (*interpretation from French*): The representative of Israel wishes to speak, and I now call on him.

Mr. Yaacobi (Israel): From the outset, we believed that this issue is for the parties concerned, based on the Declaration of Principles which was signed by Israel and the PLO. From the outset, Israel maintained that the Security Council is not the appropriate forum in which to address this issue and that, accordingly, it should take no action in this regard. We therefore consider that the outcome of these deliberations is appropriate.

Israel firmly believes that the main effort of the parties should be directed towards the promotion of peace through direct dialogue and negotiations. We call upon our partners to work with us to accelerate the progress towards peace, build mutual confidence, combat terrorism and implement the agreements which have been signed.

The President (*interpretation from French*): The representative of Palestine has asked to speak. I now call on him.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): At the outset I should like to express our thanks and appreciation to all the members of the Security Council that voted in favour of the draft resolution that was just voted upon. The overwhelming support for the draft resolution, expressed in the fact that 14 members of the Council voted in favour of it, is a genuine demonstration of the clear and decisive position of the international community against the illegal Israeli action to confiscate land in occupied East Jerusalem.

I should like also to express our deep appreciation to the members of the Non-Aligned Movement (NAM) that are members of the Council, namely, Botswana, Honduras, Nigeria, Indonesia, Rwanda and Oman — the Coordinator of the NAM caucus, and a sister Arab country — for their cosponsorship of the draft resolution, as well as for their introduction of it before the Council, and their decisive insistence on upholding the principled positions of the Non-Aligned Movement on this crucial and essential question: the question of Jerusalem. We are proud of the position taken by the Arab and Islamic countries on this central issue, which is of great concern to both the Islamic and the Arab countries. All this, in addition to the position expressed by a large number of those who spoke before the Council, should be seen as genuine achievements in the interest of justice, international law and the Charter of the United Nations. It should be understood as a clear message to the parties concerned. To the Palestinian and Arab party it is a message of support from the international community for the essence of the Palestinian position with regard to the question of Jerusalem. To the Israeli side it should be seen as a total rejection by the international community of the land confiscation measures and the illegal Israeli actions in the Holy City, including the expansion of the municipal boundaries of Jerusalem, the annexation of Jerusalem and the declaration of the city as the capital of Israel.

Unfortunately, despite the clear stand taken by the international community, the Security Council was intentionally and by coercion prevented from expressing itself and from assuming its duties and implementing its responsibilities — responsibilities that remain in place

either within or without the peace process. That has been demonstrated by the use by the United States of its right of veto. This United States position, which cannot conceal the real position of the international community that I have just outlined, without a doubt will cause harm to the Security Council itself and to the pattern of prevailing international relations. In addition, it will cause harm to the United States itself and to its commitment to international law and its role as a cosponsor of the peace process. Lastly, it will cause severe harm to the peace process itself.

As is known, this veto today is the first political veto that has been cast since the end of the cold war and comes at a time when the world had begun to think that the pattern of international relations had gone beyond such a practice, at least in this form, while there exists some international consensus on a position different from the position of the permanent member concerned.

At this juncture, I must emphasize that we do not accept the position of the United States of America, which seems to consider that the existence of the peace process would marginalize the role of the Security Council and its responsibilities *vis-à-vis* the situation in the Middle East.

With regard to the United States itself, it is very hard indeed to understand how a super-Power, a party to the Fourth Geneva Convention and all relevant Security Council resolutions, could vote against the provisions of the Convention and those of the Council's resolutions. In point of fact, this vote contravenes the supreme law of the land. Then there is the general political meaning of the United States position with regard to the Arab and Islamic countries, in particular those that enjoy a special, friendly relationship with the United States. This position indeed totally ignores the strong views expressed by these countries *en masse* and at the highest level, and does not take into account the arguments; nor does it take into account the centrality and sensitivity of Jerusalem to those countries, which consider Jerusalem to be a red line. Tampering with it will surely produce dire consequences sooner or later.

We believe that the use by the United States of the right of veto will complicate the peace process in the region and will not help the parties in the negotiation process; on the contrary, it will be counterproductive. We believe also that this veto runs contrary to the foundations of the peace process and to the Palestinian participation in that process. By this we have in mind the United States letter of assurances to the Palestinian side. It is our view that in the interest of the continuation of the peace process the United States side should reaffirm to the Palestinian side its commitment to the full contents of this letter and its position, as well as to the tenets of the peace process as a whole. In addition, we believe that a more neutral and balanced United States position towards the parties to the conflict in the Middle East would definitely contribute to the success of the peace process. Any attempt to deviate from that position, as we have seen today, will only complicate the process and lead to its loss of credibility.

Indeed, it is unfortunate that Jerusalem, the key to peace, has become the issue upon which the United States side has chosen to exercise its veto power. This step, in the view of many, represents a clear backing of the illegal Israeli action and an attempt to legalize it, thus preventing the international community from sending a decisive message to the Israeli Government regarding the dangers of its action and its negative implications for the peace process. At this point I really cannot assess those implications very accurately.

Finally, I should like to express our deep thanks to you personally, Sir, for the skilful manner in which you have presided over the Council this month. May I call on you to follow up this matter and to continue to fulfil your obligations as President in order to ensure that the Israeli confiscation orders, which are illegal, are rescinded.

The President *(interpretation from French):* The representative of the United States wishes to speak, and I now call on her.

Mrs. Albright (United States of America): I am sorry that the representative of the Observer Mission of Palestine has so misinterpreted and misunderstood my statement in explanation of vote. I do not think that he actually heard what I said. I think it is very important for both parties to proceed with the peace process pursuant to their obligations under the Declaration of Principles, and I regret very much that he has misunderstood the position of the United States and the role of the Security Council.

The President *(interpretation from French):* There are no further speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.25 p.m.

United Nations S/PV.3539

Security Council
Fiftieth Year

Provisional

3539th Meeting
Friday, 19 May 1995, 3.15 p.m.
New York

President:	Mr. Mérimée	(France)
Members:	Argentina	Mr. Zawels
	Botswana	Mr. Nkgowe
	China	Mr. He Yafei
	Czech Republic	Mr. Rovensky
	Germany	Mr. Kaul
	Honduras	Mr. Rendón Barnica
	Indonesia	Mr. Makarin
	Italy	Mr. Fulci
	Nigeria	Mr. Egunsola
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Lavrov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Ms. Wilmshurst
	United States of America	Mr. Hume

Agenda

The situation in Tajikistan and along the Tajik-Afghan border

Report of the Secretary-General concerning the situation in Tajikistan (S/1995/390)

95-85495 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 3.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Tajikistan and along the Tajik-Afghan border

Report of the Secretary-General concerning the situation in Tajikistan (S/1995/390)

The President (*interpretation from French*): I should like to inform the Council that I have received a letter from the representative of Tajikistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kayumov (Tajikistan) took a place at the Council table.

The President (*interpretation from French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation in Tajikistan, document S/1995/390.

I should like to draw the attention of the members of the Council to document S/1995/337, which contains the text of a letter dated 27 April 1995 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council has considered the report of the Secretary-General on the situation in Tajikistan of 12 May 1995 (S/1995/390).

"The Security Council welcomes the Joint Statement of the delegation of the Government of Tajikistan and the delegation of the Tajik opposition signed in Moscow on 26 April 1995 as a result of the high-level consultations through the good offices of the Secretary-General's Special Envoy with the assistance of the representatives of all countries acting as observers at the inter-Tajik talks (S/1995/337, annex). The Council expects the full implementation of the agreements reached in Moscow and, in particular, supports the convening of the fourth round of inter-Tajik talks on 22 May 1995 in Almaty and looks to the parties to cooperate fully in those talks.

"The Security Council commends the efforts of the Secretary-General's Special Envoy, the Russian Federation as a host country and all observer countries which significantly contributed to the positive outcome of the high-level inter-Tajik consultations held in Moscow from 19 to 26 April 1995.

"The Security Council is concerned over the actions of both sides in the past three months, which posed obstacles to the peace process, as noted in the report of the Secretary-General. The Council stresses the urgent need for the Tajik parties to resolve the conflict and to confirm, by taking concrete steps, their commitment to achieve national reconciliation in the country exclusively through peaceful political means on the basis of mutual concessions and compromises. In this context, it welcomes the agreement by the President of the Republic of Tajikistan and the leader of the Islamic Revival Movement of Tajikistan to hold a meeting, which took place in Kabul on 17-19 May 1995.

"The Security Council notes with concern the recent inactivity of the Joint Commission and is therefore encouraged by the parties' decision to strengthen the Commission and its mechanism for monitoring the Cease-Fire Agreement of 17 September 1994 (S/1994/1102, annex I). It welcomes the commitments by some Member States to the voluntary fund for contributions established by the Secretary-General in accordance with its resolution 968 (1995), and reiterates its encouragement to other Member States to contribute.

"The Security Council calls upon the parties to agree on a substantial extension of the Cease-Fire Agreement of 17 September 1994 and to achieve

substantive progress during the fourth round of inter-Tajik talks, in particular on fundamental institutional issues and consolidation of the statehood of Tajikistan as defined in the agenda agreed upon during the Moscow round in April 1994. It stresses that strict compliance by the parties with all the obligations they have assumed is a necessary condition for successful political dialogue.

"The Security Council notes the observation of the Secretary-General contained in his report of 12 May 1995 that grounds exist for continuing United Nations efforts and maintaining the United Nations Mission of Observers in Tajikistan and recalls its view that extension of the cease-fire is necessary for this."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1995/28.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.40 p.m.

United Nations S/PV.3540

Security Council

Fiftieth Year

Provisional

3540th Meeting
Friday, 26 May 1995, 5.30 p.m.
New York

President:	Mr. Mérimée	(France)
Members:	Argentina	Ms. Cañas
	Botswana	Mr. Nkgowe
	China	Mr. Wang Xuexian
	Czech Republic	Mr. Rovensky
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wibisono
	Italy	Mr. Ferrarin
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Sameen
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Mr. Gomersall
	United States of America	Mr. Inderfurth

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/1995/404)

95-85513 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 5.30 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/1995/404)

The President (*interpretation from French*): The Security Council will now begin its consideration of the item on the agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation in Western Sahara, document S/1995/404. Members of the Council also have before them document S/1995/426, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*interpretation from French*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 995 (1995).

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 5.35 p.m.